

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

GARY JOHNSON, #1054987

§

VS.

§

CIVIL ACTION NO. 6:08cv449

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for lack of jurisdiction. All motions by either party not previously ruled on are hereby denied. It is finally

**ORDERED** that the Clerk of Court shall return unfiled any new petitions for a writ of habeas corpus submitted by the Petitioner regarding his conviction unless he shows that he received permission from the Fifth Circuit to file it.

**So ORDERED and SIGNED this 14th day of January, 2009.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**